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**OFFICE OF PETITIONS**

In re Application of :  
Bernardo Martinez-Tovar et al :  
Application No. 09/470,343 : DECISION GRANTING PETITION  
Filed: December 22, 1999 : UNDER 37 CFR 1.137(b)  
Attorney Docket No. P-1583 :  
:

This is a decision on the petition under 37 CFR 1.137(b), filed January 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

37 CFR 1.137(b) (3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b) (3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b) (3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of continuation Application No. 11/555,990, filed November 2, 2006; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Final Rejection of May 4, 2006 is accepted as having been unintentionally delayed.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1020 extension of time submitted with the petition on January 12, 2007

was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

*Karen Creasy*

Karen Creasy  
Petitions Examiner  
Office of Petitions